

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

May 19, 2011

In the Matter of SMITH, Minors.

No. 300491

Bay Circuit Court

Family Division

LC No. 09-010402-NA

Before: OWENS, P.J., and O'CONNELL and METER, JJ.

MEMORANDUM.

Respondent M. Reed appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); MCR 3.977(H). The evidence showed that respondent suffered from mental illness and exhibited a general inability to take care of the children. She failed to provide proper care for the children by neglecting the twins' medical appointments and by inappropriately responding to a suspected gas leak by taking the children and trying to walk to Ohio on foot along a state highway. Throughout the pendency of the proceedings, respondent had trouble managing her own life and was discovered to have a substance abuse problem. Respondent's participation in services was sporadic and she did not complete parenting classes, individual counseling, or substance abuse counseling. Respondent also missed numerous drug screens, which led to the suspension of family visits. The trial court remarked on respondent's "strung out" appearance at the time it authorized the filing of the supplemental petition, and the foster care worker found respondent to be under the influence of a substance a month later. The trial court did not clearly err in finding that there was no reasonable expectation that respondent would be able to rectify the conditions that led to the adjudication or be able to provide proper care and custody within a reasonable period of time.

Further, considering the children's young ages, their development delays while in respondent's custody, respondent's inability to demonstrate that she would be able to provide proper care and custody for the children in the foreseeable future, and that respondent had not seen the children for approximately five months at the time of the termination hearing, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b.

Affirmed.

/s/ Donald S. Owens
/s/ Peter D. O'Connell
/s/ Patrick M. Meter